

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

SUZANNE C. DIXON and JERRY  
CARROLL,

Plaintiffs,

vs.

WHATLEY OIL & AUTO PARTS CO.  
and CHEVRON USA, INC.,

Defendants.

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CASE NO. 4:18-CV-141 (CDL)

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O R D E R

Plaintiffs Suzanne C. Dixon and Jerry Carroll filed this action in the State Court of Muscogee County, Georgia. They allege that Defendants Chevron USA, Inc. and Whatley Oil & Auto Parts Co. operate a Zelmo's Zip-In self-serve gasoline station in Phenix City, Alabama and that Dixon was injured when she slipped and fell there. Chevron removed the action to this Court, and Whatley consented to the removal. Before Chevron removed the action, Whatley filed a motion to dismiss, arguing that the state court lacks subject matter jurisdiction over Plaintiffs' claims and that venue is improper in Muscogee County State Court. The motion does not argue that *this* Court lacks subject matter jurisdiction over the action or that venue is improper in *this* Court. Therefore, the motion to dismiss (ECF No. 2) is denied as moot.

Also pending before the Court is Plaintiffs' summary judgment motion (ECF No. 8), Plaintiffs' motion to remand (ECF No. 11), and Plaintiffs' motion for leave to file evidence (ECF No. 12). Those motions are not yet ripe for review. In addition, Defendants filed a motion for a status conference (ECF No. 16) so the Court can explain how it expects the parties to proceed. The Court finds that a status conference is unnecessary and therefore denies that motion. The Court expects the parties to follow the Federal Rules of Civil Procedure and the Court's local rules. The Court will rule on the pending motions in due course when they are ripe for review. By separate order, the Court will enter its Rules 16/26 Order. If any party seeks a stay of those deadlines, it should file a motion to stay.

IT IS SO ORDERED, this 20th day of August, 2018.

s/Clay D. Land

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CLAY D. LAND

CHIEF U.S. DISTRICT COURT JUDGE  
MIDDLE DISTRICT OF GEORGIA